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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 KATHERINE LOUISE WHITNEY,

6 Plaintiff,

7 v.

8 CITY OF TACOMA et al,

9 Defendants.

CASE NO. C19-5582 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Michelle L. Peterson, United States Magistrate Judge, Dkt. 46.

11 Plaintiff Katherine Whitney (“Plaintiff”) brings this civil rights action pursuant to  
12 42 U.S.C. § 1983 seeking relief for an alleged assault occurring at her residence, which  
13 she was referred to by a nonprofit organization operating in Pierce County. Dkt. 1-1. On  
14 October 19, 2019, this Court issued an order dismissing Plaintiff’s complaint but granting  
15 her leave to amend on all but one claim. Dkt. 32.

16 On October 30, 2019, Plaintiff filed an amended complaint. Dkt. 34. On December  
17 19, 2019, Judge Peterson issued an R&R recommending that Plaintiff’s amended  
18 complaint be dismissed with prejudice for failure to state a claim. Dkt. 46. The R&R  
19 required any objections be filed within 14 days. *Id.* at 14.

20 On December 23, 2019, Plaintiff filed a 72-page miscellaneous document in  
21 support of returning the matter to Pierce County Superior Court for the State of  
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1 Washington, which is the court where Plaintiff originally filed this action. Dkt. 47. Also  
2 on December 23, 2019, Plaintiff filed a disclosure of expert witnesses. Dkt. 48.

3 Plaintiff's 72-page document in support of remanding the matter to Pierce County  
4 Superior Court fails to make any coherent objection to any conclusion in the R&R. Dkt.  
5 47.<sup>1</sup> Plaintiff merely repeats her allegations which the R&R found insufficient to state a  
6 cognizable claim against any defendant. Dkts. 46, 47. The Court agrees with the R&R's  
7 conclusion regarding the deficiencies in Plaintiff's amended complaint after Plaintiff was  
8 provided leave to amend.

9 Therefore, the Court having considered the R&R, Plaintiff's letter in support of  
10 remand, and the remaining record, does hereby find and order as follows:

- 11 (1) The R&R is **ADOPTED**;
- 12 (2) Defendant's motions to dismiss, Dkts. 37, 39, and 42, are **GRANTED**;
- 13 (3) Plaintiff's case is **DISMISSED with prejudice**; and
- 14 (4) The Clerk shall enter **JUDGMENT** and close the case.

15 Dated this 14th day of January, 2020.

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18 BENJAMIN H. SETTLE  
United States District Judge

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21 <sup>1</sup> Of note, however, are documents that appear to show that two employees of the housing  
22 organization were criminally charged in Pierce County Superior Court with Plaintiff identified as the  
named victim. Dkt. 47 at 25, 31, 32, 33, 34, 35. Regardless, these documents do not alter the R&R's  
conclusion that Plaintiff has failed to state a claim under 42 U.S.C. § 1983 against any defendant named  
in this suit, which does not include the two employees.